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Attorney Docket No. 509/35644
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Michael J. HAWTHORNE et al. Conf. No.: 8826
Serial No.: 09/404,826 Art Unit: 2122
Filed: September 24, 1999 Examiner: Kiss, Eric B.
For: METHOD OF TRANSFERRING FILES AND ANALYSIS OF TRAIN
OPERATIONAL DATA

REQUEST FOR RECONSIDERATION AFTER FINAL

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

BARNES & THORNBURG CUSTOMER NO:
23646
U.S. PATENT AND TRADEMARK OFFICE

Sir:

In response to the Final Office Action dated January 4, 2005, applicant request reconsideration of the rejection in view of the following remarks.

Reconsideration of the rejection of Claims 1-3, 7, 9, 10 and 15-19 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,786,998 to Neeson et al. in view of U.S. Patent 5,533,695 to Heggstad et. al. and Claims 4, 20, 21 and 46-49 further in view of Cowan, Swensen et al. and Ehrenberger et al. under 35 U.S.C. § 103 is hereby requested.

Claim 1 recites:

A method of transferring files between a computer onboard a train and remote stations comprising:

collecting one or more of event recorder data, train performance data and track data from onboard in files on the on-board computer;

determining onboard if a remote station is within communication range by one of determining onboard location of train and location of next remote station and transmitting a wireless query and monitoring for a response;

attempting and establishing from onboard wireless communication between the on-board computer and the remote station determined to be within communication range; and

determining onboard which of the files are new since last transmission, and transferring the new files to the remote station.

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Do NOT ENTER